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Congress of the United States
House of Representatives

October 14, 2009

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

I write regarding the aftermath from a significant coal ash spill in December 2008, at the Tennessee Valley Authority's (TVA) Kingston Fossil Plant in eastern Tennessee. Approximately 3 million tons of coal ash from that spill has been transported for storage in Perry County, Alabama, a rural community located in my Congressional district.

As you know, there has been considerable public controversy regarding the transfer of the waste from what is believed to be the largest coal ash spill in American history. At least one state, Pennsylvania, refused to receive the shipment on the grounds that the ash did not meet the state's environmental standards for beneficial use. While Alabama's less rigorous environmental standards did not preclude the storage of the coal ash, persistent questions have been directed to my Congressional office and to local elected officials. These anxieties have been exacerbated by news reports about the uncertain impact such a massive distribution of coal ash will ultimately have on the health and drinking water sources of communities located near such storage sites. Other concerns involve the absence of clear and uniform federal standards as to whether coal ash itself constitutes a health hazard.

I have not viewed these questions as easy ones. My office has met with and communicated with local officials who approved the storage of the coal ash in Perry County, and with residents who are deeply worried and frustrated about the difference in safety standards between Alabama and other states. My office has communicated with federal environmental officials and has sought to maintain a dialogue with all parties who have a stake in this issue. Certainly, I am more than sympathetic that the storage of industrial waste is a job source in high unemployment counties like Perry and that the county will benefit from tax revenues generated by this storage. I am also mindful that the storage violates no current state or federal law, and that a reclassification of coal ash as hazardous could pose significant burdens on coal-reliant industries.

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However, it is increasingly apparent that the federal government has to date not conclusively analyzed or addressed the potential hazards of large scale coal ash storage. I believe that residents and elected officials in Perry County deserve a clearer answer than they have received about the health and environmental risks posed by coal ash. The time has come for the Environmental Protection Agency (EPA) to establish consistent standards at the federal level that would fully address these legitimate concerns about the content of coal ash waste. If coal ash poses an unacceptable level of risk, inconsistent state standards should be immediately replaced with national guidelines that would put the safety of the people in one community on the same level as families living in another. I do not presume to know what the national standard should be, or how it would impact the storage of coal ash in Alabama, but both the coal-fired power industry and communities weighing whether to store coal ash should have the benefit of predictability and consistency.

Therefore, I join my colleague Congressman John Lewis, who in his own letter, calls for the EPA to promulgate consistent and enforceable standards for regulating coal ash. I hope that the EPA's action in this matter will be prompt.

Sincerely,

A handwritten signature in cursive script that reads "Artur Davis".

Artur Davis
Member of Congress